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SUBJECT: AMBASSADOR MEETS WITH ECCC CO-PROSECUTOR; FUNDING
SHORTFALLS HIGHLIGHTED

¶1. (SBU) Summary. On September 15, the Ambassador and A/DCM met with ECCC international co-prosecutor Robert Petit, who discussed latest developments of the Tribunal staffing as well as funding shortfalls. Specifically, the Tribunal lacks money for public outreach, a proper detention facility, and victim/witness protection and other services. UN Administrative officials have noted the initial budget is now widely acknowledged to be inadequate, and that some readjustments will need to be made as well as a future request to donors for additional support. The international co-investigating judge, Marcel Lemonde, has arrived in Phnom Penh and begun assembling his office staff. Petit welcomed the upcoming visit by INR and S/WCI staff, although noted he would be in The Hague during the first week of October. End Summary.

ECCC's Money Woes

¶2. (SBU) At the latter's request, the Ambassador met with Robert Petit, the Canadian co-prosecutor of the ECCC, on September 15. Petit said that his office is functioning well, staff are on board, and work is progressing. He expressed optimism that the ECCC's outcome would be successful prosecutions and a sense of justice; otherwise, he underscored, he would not be in Cambodia. Petit is aware of the political backdrop around which the ECCC's work is taking place, but assured the Ambassador that what happens in the courtroom will be according to international law. He added that he is personally committed to ensuring the defense teams are equally up to the task; if not, the prosecution will not stand and proceed to trial.

¶3. (SBU) Petit encouraged the USG to play a stronger role in support of the ECCC's work, citing the importance of USG assistance to other international tribunals in which Petit has worked. The Ambassador explained current Congressional funding limitations, but noted that the USG is seeking ways to support NGOs in areas, e.g., public outreach, media support, where the ECCC lacks adequate funds. A/DCM outlined Department initiatives to address both areas, but cautioned that funding was not yet guaranteed. Petit confirmed that both areas are underfunded or nonexistent in the current ECCC budget. He noted that he would like to do outreach and address Cambodian audiences outside Phnom Penh, but there is no money to do so. The security budget is also inadequate, although Petit said that an international security official has recently come on board. (Note: The Japanese Embassy has informed us separately that they plan to fund the construction of a temporary detention facility on the ECCC's grounds to house suspects who are on trial. While not envisaged in the original budget, the Japanese believe it can be done for USD 30,000, and plan to pay for the building out

of existing bilateral development funds. End Note.)

¶4. (SBU) Victim and witness protection is the most urgent need, in Petit's opinion. It is unrealistic to expect the Tribunal's proceedings to move forward without any thought given to the needs of victims and witnesses, both in terms of personal security but also in terms of medical/psychological support. (Note: This was an area identified early on by UN deputy administrator Michelle Lee as a notable oversight in the ECCC's overall budget. End Note.) While it may not be necessary, Petit said that he needs the capacity to safely secure victims and witnesses in Phnom Penh but also have the option of moving them to a third country if the situation dictates. At present, there is no budgetary provision for doing so.

¶5. (SBU) Other than financial woes, the ECCC's work is moving apace, said Petit. The rehabilitation of the court's administrative offices is progressing, international co-investigating judge Marcel Lemonde has arrived and is assembling his staff. The Ambassador explained that USG officials from INR and S/WCI would be coming to Cambodia shortly to discuss with the ECCC future document and image requirements. Petit welcomed the visit, but added that he would be in The Hague during the first week of October. His staff, however, are well versed in what is required and would be prepared to meet with the USG visitors.

¶6. (SBU) In a separate meeting with A/DCM, an international administrative official from the UN noted that the ECCC's budget office has concluded that the original USD 56.3 million three-year budget for the ECCC is now widely believed among UN and Cambodian staff to be inadequate. Presently, budget analysts are looking at three possibilities. First, an internal readjustment of year one money will likely take

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place to better rationalize current needs now that the ECCC's work is underway. Secondly, there likely will be additional outreach to donors for more funds. The Japanese have already indicated a willingness to be helpful, as evidenced by the commitment to build a detention facility on the ECCC grounds.

Finally, Michelle Lee has the option of going back to New York and asking for more funds from the UN central budget, but has not done so.

Comment

¶7. (SBU) Petit is receiving high marks from his staff and outside observers for his dedication and no-nonsense approach to the work ahead. While aware of the limitations of his Cambodian counterparts, Petit nevertheless believes the ECCC process will be successful and in keeping with international standards. He sidestepped our questions about any "surprise" defendants, as expected, but we understand from other sources that he has not ruled out an expansion of the list of likely indictees. The issue of finances was discussed at length at the most recent ECCC "Friends" meeting on August 31, and will likely continue to be a topic of discussion over the next year as actual budget needs are identified versus the original projected needs that existed on paper. End Comment.
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